## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA BRYSON CITY DIVISION

CIVIL CASE NO. 2:11cv05 [Criminal Case No. 2:09cr13]

JAMIE LEE WESTMORELAND,	)
Petitioner, vs.	) ) ) <u>ORDER</u>
UNITED STATES OF AMERICA,	)
Respondent.	)
	) )

**THIS MATTER** is before the Court on the Government's Motion to Hold Case in Abeyance. [Doc. 4].

The Government seeks to stay this matter pending the ruling by the United States Fourth Circuit in the case of <u>United States v. Powell</u>, 2011 WL 32519 (W.D.N.C. 2011), <u>appeal docketed</u>, No. 11-6152 (4th Cir. 2011). For the reasons stated in the motion, it will be granted.

IT IS, THEREFORE, ORDERED that the Government's Motion to Hold Case in Abeyance [Doc. 4] is hereby **GRANTED** and this matter shall be held in abeyance pending the ruling by the United States Fourth Circuit in the case of <u>United States v. Powell</u>, 2011 WL 32519 (W.D.N.C. 2011), <u>appeal</u>

docketed, No. 11-6152 (4th Cir. 2011).

**IT IS FURTHER ORDERED** that upon that ruling, the Government may file response to the Petitioner's motion on or before forty (40) days thereafter.

Signed: March 8, 2012

Martin Reidinger

United States District Judge